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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, KIM T

ART UNIT PAPER NUMBER

3713

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/754,450

Applicant(s)

FASBENDER ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

The preliminary amendment filed on April 16, 2001 (paper no. 4) has been received and considered. By this amendment, claims 1-11 are pending.

#### ***Information Disclosure Statement***

1. The listing of references in the specification paragraph [0010] is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

Claims 10-11 and 40-41 are rejected under 35 U.S.C. 112, fourth paragraph, for failing to limit the subject matter of its parent claim. Claims 10-11 and 40-41 do not further limit the independent claims 1 and 39, respectively.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-20, 24-43, 47-50, 52-53, 55-59, 61-66, 68-69, 71-74, 76-81, 83-84, 86-89, and 91-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US. Patent no. 6,203,429).

a. As per claim 1, 5-16, 19-20, 24-43, 47, 50, 52-53, 56-59, 61-62, 64, 66, 68-69, 72-74, 76-77, 79, 81, 83-84, 87-89, 91-92, 94, and 96, Demar teaches a gaming method including randomly assigning symbols to an array of image sites in a primary game (col. 5, lines 40-44); determining whether a winning combination is present in a payline (col. 5, lines 4-6); determining whether a trigger event is present and awarding a bonus game similar in type to the primary game (col. 6, lines 11-14 and col. 4, lines 30-32). Further, as to claim 20, Demar teaches a second trigger event (col. 6, lines 19-21). Further, allowing the player to select a payline would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the player to select a payline in order to allow the player to select a specific winning arrangement that he prefers.

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b. As per claim 17-18, 48-49, 55, 63, 65, 71, 78, 80, 86, 93, 95, and 97-100, initiating a bonus game in response to an additional wager or in response to the player's selection of the bonus game, including wild symbols, transmitting signals along carrier waves, communicating information between game machines and a central computer, including a stud poker game or a draw poker game, and evaluating an "Ace of Spades" symbol would have been well known to a person of ordinary skill in the art at the time the invention was made.

4. Claims 2-4, 21-23, 44-46, 51, 54, 60, 67, 70, 75, 82, 85, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US. Patent no. 6,203,429) in view of Miller (US. Patent no. 6,322,445).

Demar (col. 4-col. 10) in combination with Miller (col. 2, lines 4-35) teach a well known multi-line poker game set forth in the dependent claims above. Further, Demar teaches that the game method can be applied to any types of game of chance including a video poker game (col. 4, lines 8-11), and Miller teaches a method for playing multi-line poker game (col. 2, lines 19-23). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the deck of cards and the method of establishing a hand of cards of Miller to the game of chance of Demar in order to allow the player to play a multi-line poker game on the game of chance method of Demar.

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***Cited Prior arts***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - i. ***Gajor*** (US. 6,443,456) discloses including wild cards or joker cards in the stud poker game or the draw poker game.
  - ii. ***Holmes, Jr, et al*** (US. 6,220,959) discloses allowing the player to select a payline (abstract).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:30PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen  
Patent Examiner  
February 27, 2003